

RECEIVED
CENTRAL FAX CENTER
JUN 05 2007

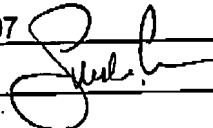
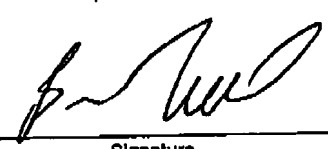
Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through 10/01/2006. OMB 0861-0001

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------|
| I hereby certify that the correspondence is being facsimile transmitted to the USPTO, | | Application Number | Filed |
| on <u>June 5, 2007</u> | | <u>09/680,608</u> | <u>10/04/2000</u> |
| Signature <u></u> | | First Named Inventor | |
| Typed or printed name <u>Sue Cole</u> | | <u>David C. Gelvin</u> | |
| | | Art Unit | Examiner |
| | | <u>2145</u> | <u>Mirza, Adnan M.</u> |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> | | | |
| I am the | |  | |
| <input type="checkbox"/> applicant/inventor. | | Signature | |
| <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) | | Bruce T. Neel | |
| <input checked="" type="checkbox"/> attorney or agent of record. | Registration number <u>37,406</u> | (602) 445-8339 | |
| <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. | Registration number if acting under 37 CFR 1.34 _____ | June 5, 2007 | |
| | | Date | |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*. | | | |
| <input type="checkbox"/> *Total of _____ forms are submitted. | | | |

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AP, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER
JUN 05 2007

PATENT
Conf. No. 9581

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David C. Gelvin

Examiner: MIRZA, Adnan
M.

Serial No. 09/680,608

Group Art Unit: 2145

Filed: October 4, 2000

Docket No. 078700-020115

Title: METHOD FOR REMOTE ACCESS OF VEHICLE COMPONENTS

Customer No.: 33717

CERTIFICATE UNDER 37 CFR 1.6(d)

I hereby certify that this correspondence and identified enclosures are being transmitted via facsimile only to the U.S. Patent and Trademark Office, Facsimile No. 571-273-8300 on June 5, 2007.


By: Sue Cole

REASONS FOR REQUEST FOR PANEL REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Pre-appeal brief conference review is appropriate when there are clear errors in the Examiner's review and/or the Examiner has omitted one or more essential elements needed for a prima facie rejection. Applicant believes that at least one of these conditions is present here.

Claims 1-16 and 19-64 are pending in the application, claims 17 and 18 having been cancelled during prosecution. Claims 1, 42, 49, 56, and 57 are the only independent claims in this application.

Serial No. 09/680,608

PATENT
Docket No. 078700-020115**A. Real-Time Processing by Laptop Not Sufficiently Supported by Chou**

The Examiner has made an obvious rejection of all claims citing U.S. Patent No. 6,330,499 by Chou as a primary reference. Applicant's independent claim 1 recites "the RTIP performing real-time operations and the application processor performing high-level processing functions" (emphasis added). Applicant's independent claim 42 recites similar limitations as claim 1. The Examiner's reliance on a laptop mentioned in Chou clearly does not support an obviousness rejection.

In particular, the Examiner asserts that Chou's laptop provides real-time processing and high-level processing functions, citing Chou at col. 3, lines 63-67. However, Chou here only states that the laptop computer may be used to perform the function of the processor 300. Chou does not describe the types of processing (i.e., real-time or high-level) done either in the laptop or in processor 300. Also, as discussed further below, the Examiner's argument that the laptop performs the two types of functions does not demonstrate how Chou teaches the use of a real-time processor and an application processor. Nothing in Chou supports that the laptop has two processors.

The Examiner specifically asserts that the type of processing done by the laptop depends on the mode of the function. The cited section of Chou clearly does not discuss the type of processing (as between real-time and high-level) done on the laptop. In addition, the Examiner has not provided any reason as to how or why the laptop mentioned by Chou would be used for real-time processing along with an application processor as recited by Applicant's claim 1.

Further, Applicant's independent claim 1 was previously amended to recite that "the RTIP couples the application processor to a vehicle bus and to an external network". Examiner did not respond to this new limitation in the Final Office Action. After asserting that the laptop does real-time processing, the Examiner does not present any argument to support a teaching in Chou that the alleged "real-time" laptop couples an application processor to a vehicle bus and to an external network. For example, if the Examiner argues that the "real-time processing" laptop replaces processor 300 in Fig. 3, then it is insufficiently stated what acts as an application

Serial No. 09/680,608

PATENT
Docket No. 078700-020115

processor. If the Examiner argues that the "real-time processing" laptop works with processor 300, Chou's Fig. 3 shows network interface 320 coupled to processor 300 rather than to the laptop. The Examiner does not sufficiently explain how this claim 1 limitation is met by Chou and/or Spaur.

Chou does not describe "processor 300" as having any separation of components with one processor that performs "real-time operations" and another processor that performs "high-level processing functions". Thus, usage of the laptop instead of or along with processor 300 would merely be another form of the single general processor approach described by Chou. Chou does not suggest any division of processing functions, and does not describe any criteria for making any such division. Further, the secondary reference, Spaur, does not provide any of these missing teachings.

Finally, Applicant's independent claim 56 recites "the RTIP predominantly performing real-time operations and the application processor predominantly performing high-level processing functions, wherein the RTIP is coupled to provide information received from at least one of the vehicle elements to the application processor" (emphasis added). Chou's Fig. 3 illustrates a client computer device 101 and other components in the vehicle. However, Chou does not describe any predominant allocation of real-time and high-level processing functions between client computer device 101 and any other processor in the vehicle. It simply is not described by Chou, and Applicant respectfully submits that even if, for the sake of argument, the Examiner's laptop assertions above were accepted, the Examiner fails to provide any reasoning as to how Chou teaches a predominating split of processing as recited by claim 56.

B. Chou's Remote Service Center Not a Gateway Node in the Vehicle

Applicant's independent claim 49 recites that "the gateway node of the vehicle comprises at least one real-time interface processor (RTIP) and at least one application processor, the RTIP performing real-time operations and the application processor performing high-level processing functions" (emphasis added). The Examiner cites Chou at col. 8, lines 34-51, which describes the operation of a remote service center. The remote service center is not in the vehicle. Thus,

Serial No. 09/680,608

PATENT
Docket No. 078700-020115

the activities of the remote service center as relied on by the Examiner do not support any teaching of real-time and high-level processors of the gateway node of the vehicle. Instead, Chou describes that the remote service center is outside of the vehicle and connected to the vehicle using, for example, a wireless phone (col. 3, lines 15-21).

C. Peripheral Electronic Device Not Supported by Chou or Spaur

Applicant's independent claim 57 recites "automatically providing secure interoperability among the plurality of nodes of the at least one vehicle internetwork and the at least one peripheral electronic device in response to node information including configuration and security information." When discussing Applicant's claim 1, the Examiner cites col. 1, lines 53-64, of Chou regarding providing secure interoperability. Applicant's claim 57 recites providing secure interoperability to a peripheral electronic device. However, the Examiner's cited section of Chou describes the extraction of information from a vehicle's monitoring systems, its transfer to a remote service center for processing, and an information reply from the remote service center to the driver. There is no mention here in Chou of providing secure interoperability to a peripheral electronic device of a vehicle internetwork.

Chou also does not mention here that any secure interoperability is provided in response to configuration and security information. Instead, Chou merely describes the sending of information from the vehicle's monitoring system.

The Examiner also cites Chou at col. 3, lines 16-32, as teaching using node information including configuration and security information to provide secure interoperability to at least one peripheral electronic device. Chou here describes that processor 300 of the vehicle is integrated with a network interface 320 to provide communication capability with the remote service center 200. Chou further describes that the network interface preferably comprises a wireless telephone and discusses related data communication aspects of the telephone. Yet, this cited section does not discuss providing secure interoperability to a peripheral electronic device.

Other sections of Chou discuss, for example, the detection of diagnostic trouble codes generated by the vehicle's electronic control units 103 (col. 6, lines 55-57). However, Chou does

Serial No. 09/680,608

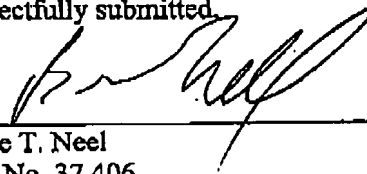
PATENT
Docket No. 078700-020115

not teach or suggest automatically providing secure interoperability to at least one peripheral electronic device in response to node information including configuration and security information.

Further, Spaur does not teach or suggest this automatically providing secure interoperability. For example, Spaur at col. 10, lines 50-55, describes that in operatively connecting a controller area network (CAN) bus 126 to each vehicle device 50a-50n, each of these vehicle devices is operatively associated with a CAN interface, and that in one embodiment, each of the CAN interfaces is connected in "daisy-chain" fashion as part of the bus 126 configuration. However, the Examiner has not clearly argued how Spaur teaches here that secure interoperability is provided in response to configuration and security information. Therefore, claim 57 is believed allowable over Chou and Spaur.

It is respectfully submitted that the Examiner's rejections in the Final Office Action and his position in the Advisory Action are clearly erroneous and that the application is in condition for allowance.

Respectfully submitted



Bruce T. Neel
Reg. No. 37,406

Date: June 5, 2007

Customer Number 33717
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (602) 445-8339
Fax: (602) 445-8100
E-mail: neelb@gtlaw.com